

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
CIVIL DIVISION

Nawel Ali)
Plaintiff,)
vs.) Case No: 18-1385
BC Architects Engineers PLC)
Defendant.) Jury Demand
) Retaliation Under 42 U.S.C.
) §1981
) Plaintiff's 2nd Amended
Complaint

Introduction

In light of the October 16, 2020 decision from the Fourth Circuit in the matter of *Ali v. B.C. Architects*, Appeal No. 19-1582, Ali through her undersigned counsel files this 2nd Amended Complaint on the sole count of retaliation under 42 U.S.C §1981, against the Defendant B.C Architects Engineers PLC. Ali is an Arab-American female. She is from Syria. Ali was employed by the Defendant, BC Architects Engineers PLC (BC Architects), from March 9, 2015 to April 15, 2016. While at BC Architects Engineers, Ali was subject to discrimination based on her race, (Arab), and was retaliated against because she complained about the discriminatory behavior. BC retaliated against Ali by terminating her on 4/15/2016.

Consequently, Ali now brings this complaint of retaliation under Section 1981 against the Defendant BC Architects for

damages in the minimum amount of three million dollars (\$3,000,000.00).

Part I. Parties

1. Plaintiff Ali is an Arab female and traces her ancestry to Syria. She is also a Muslim. Ali is a former employee of Defendant BC Architects Engineers. She was employed as a CAD designer and earned approximately \$55,000 per year. Ali is an employee under 42 U.S.C 2000 *et seq.*
2. The Defendant BC Architects Engineers is an architectural and engineering firm located in Falls Church, VA. They are an employer under 42 U.S.C 2000 *et seq.*

Part II. Jurisdiction & Venue

3. The Court has jurisdiction of this case under 28 U.S.C. § 1331 and/or 28 U.S.C. § 1332.
4. Venue is proper in the Eastern District Court of Virginia under 28 U.S.C. §1331, because Plaintiff worked at Defendant's Falls Church, Virginia location which is located within this Court's jurisdiction. A substantial part of the claims and defenses to the action occurred within the Court's jurisdiction, in that Ali was discriminated and verbally harassed within this jurisdiction, and was also retaliated against within the Court's jurisdiction.

1 **Part III. Exhaustion of Administrative Remedies**

2 5. None. Ali has no administrative filing requirements under
3 Section 1981
4

5 **Part IV. Statement of Facts**

6 6. Ali has a Bachelors (B.S) in structural engineering from
7 Aleppo University, Syria. Ali is an Arab female and was
8 employed with BC Architects as a CAD Designer, earning
9 approximately \$55,000 per year from March 9, 2015 to April 15,
10 2016.

11 7. She had a contract for employment and wages with the
12 Defendant.

13 8. Eric Chuck (Chinese-American) male was employed as a
14 structural engineer with the Defendant.

15 9. On September 14, 2015, the owners of the company, Brian
16 Quinn¹ (Caucasian, American male) and Chris Morin (Caucasian,
17 American male), told Ali to stop doing work as a CAD designer
18 and focus only on structural engineering duties.

19 10. Ali was told that she was to assume all of Chuck's
20 structural engineering duties after his departure, within two
21 weeks.

22 11. On September 28, 2015, Chuck left the defendant for
23 employment elsewhere.

31 32 ¹ <https://www.linkedin.com/in/brian-quinn-1207012/>

1 12. Chuck gave Ali all the codes and notes that he had on
2 structural engineering because Ali was now assuming his
3 duties.
4

5 13. On September 29, 2015, a co-worker, Allen told Ali that
6 Sohrab Begherzadeh (Iranian-American, Shia male), the project
7 manager, wanted Ali to do CAD drawings. A structural
8 engineer's duties encompass more than the duties of a CAD
9 designer.
10

11 14. On September 30, 2015, Ali arrived late to the office. Upon
12 arrival, Ali was surprised to find that most of her co-workers
13 sent her emails asking her to do CAD drawings. A few minutes
14 later Mr. Begherzadeh came to Ali's desk and yelled at her and
15 falsely accused her of cheating the company by coming late and
16 leaving early. Ali subjectively believed that Begherzadeh was
17 condescending to her because of her race and ethnic
18 characteristics, in this case because Ali was from Syria and
19 Begherzadeh being from Iran. Begherzadeh would also frequently
20 treat Nasrin Eshagi, condescendingly.
21

22 **1st Protected Activity**
23

24 15. Ali went to the owners immediately and reported the issue
25 concerning Mr. Begherzadeh and that he was discriminating
26 against her because of her race and/or her protected class.
27 The owners said they would investigate the matter.
28
29
30
31
32

1 16. On October 1, 2015, after no investigation on this matter
2 was conducted, Ali felt that the owners were simply going to
3 ignore her. Thus around 4:15pm on 10/1/2015, she sent an email
4 to Chris Morin describing her interactions with Begerzadeh.

5 17. On October 2, 2015, the company owners Morin and Quinn
6 called Ali into their office.
7

8 18. Both Morin and Quinn informed her that (a) after speaking
9 to her co-workers and (b) because of the lack of cameras in
10 the workplace, they were unable to corroborate her claims of
11 discrimination against Begerzadeh.
12

13 19. Morin and Quinn then told Ali that she was over-reacting
14 and that it maybe because of the civil war in Syria.
15

16 20. On October 12, 2015, Ali travelled to Turkey for vacation.
17 Defendants were notified of her travel plans to Europe
18 sometime in August 2015.
19

20 21. Both Morin and Quinn repeatedly asked her if instead of
21 travelling to Turkey, she had any plans to visit Syria? They
22 also asked her, if she was traveling to Syria via Turkey. They
23 also asked her if she was travelling to Turkey and Europe
24 alone, or with her family.
25

26 22. Ali subjectively felt and believed that their repeated
27 questioning about her travels to Turkey and/or Syria as a lone
28 traveler implied that Ali was going on some
29

1 clandestine/terrorist mission to Syria, and that Ali was
2 secretly planning to be a suicide bomber or *jihadist*.
3

4 23. These repeated enquiries of her travels also happened when
5 she was in Turkey, when she received a text message from her
6 employers, if she was planning on returning to the United
7 States?
8

9 24. Ali replied to the text message, saying "Yes" I am coming
10 back to the USA.
11

12 **1st Demotion After Travels to Turkey**

13 25. On November 2, 2015, after returning from her foreign
14 travels to Turkey, she was surprised to learn that a Caucasian
15 male, Charles Ohrnberger had assumed all her duties as a
16 structural engineer.
17

18 26. On November 3, 2015, the Defendant's informed Ali that they
19 have a new client, who needed 40 projects completed on an
20 aggressive schedule. Ali worked on the project day and night,
21 and completed the assignment in less than 5 weeks.
22 Defendant's informed her that she had done a good job on the
23 project.
24

25 27. Sometime in December 2015, she heard from her co-workers
26 that the company was in need of more structural engineers.
27 Having previously assumed the duties of Chuck (the prior
28 structural engineer), Ali informed Morin that because she was
29 familiar with the work and the software used, she would like
30
31
32

1 to apply and be considered for the structural engineer
2 position. Having a Bachelor of Science in Structural
3 Engineering, Ali believed she was qualified for the
4 "Structural Engineering" position.

5 28. Morin told her, "I am glad that you came and I will get
6 back to you [on the structural engineer position]."

7 29. Sometime before Christmas 2015, the Defendant's hired
8 Bintao Qin (Chinese Asian male) and Khalid Eid as structural
9 engineers.

10 30. Eid left 2 weeks after his start date, because he found
11 another employment.

12 31. Ali alleges that BC Architects discriminated against her
13 because of her race (Arab) when they offered the structural
14 engineering position to Bintao Qin (Chinese Asian male) and/or
15 Eid.

16 32. On January 15, 2016, Ali received a 3% raise, the Defendant
17 also offered her the project coordinator position. Ali had
18 applied for the position of a structural engineer. A
19 structural engineer earns more than a "project coordinator."

20 33. During this time, Ali also asked why she was not chosen as
21 the structural engineer?

22 **801(d)(2)(D) Admission**

23 34. Morin replied, "If we find a CAD drafter as good as you, we
24 will hire you as a structural engineer."

1 35. On February 9, 2016, Ali asked Morin and Quinn to give her
2 a raise, because she was doing 3 jobs at the company. Morin
3 and Quinn said that they are going to think about it and get
4 back to her.

5 36. On February 17, of 2016, Morin and Quinn denied Ali a
6 raise. Ali alleges that she was denied a raise because of her
7 prior protected activities.

8 **2nd Demotion After Travels to Turkey**

9 37. On March 21, 2016, Ali took a 4-day day vacation by
10 travelling to Turkey. Ali was sponsoring her mother to live in
11 the USA. Ali had an appointment with the U.S Embassy in
12 Ankara, Turkey.

13 38. Once again like her earlier travels to Turkey in October -
14 November 2015, upon Ali's return from Turkey, she was demoted
15 again from a "project coordinator" to a CAD Drafter.

16 39. Ali alleges that like her first demotion in 2015, her
17 second demotion was also related to her travels to a
18 predominantly Arab country - and that the Defendant's harbored
19 racial animus towards Arabs.

20 40. On March 30, 2016, Ali spoke with the owners Quin and Morin
21 about the demotion. She also informed them that she had
22 trouble working with Begherzadeh as he is rude and
23 condescending to women and Arabs and that he treats her
24 unfairly. Ali also told Morin and Quinn, that there was

1 discrimination in this company. Ali also said that women have
2 no room to grow within the company.

3 41. Quinn replied, "this is not true."

5 42. On April 4, 2016, and April 7, 2016, Ali's son was sick.

6 She sent an email to the employer asking them to let her work
7 from home so she can care for her son.

8 43. Her request for working from home to care for her son was
9 denied.

10 44. Request to work from home from non-Arab employees on the
11 other hand is routinely granted.

12 45. Ali believes that the denial of her request for leave was
13 related to her race, Arab and/or because of her prior
14 protected activities

15 **April 15, 2016 Protected Activity. Ali was terminated 60**
16 **minutes later.**

17 46. On April 15, 2016, Ali sent an email to Quinn and Morin
18 documenting discrimination and retaliation within the company.
19 This email was sent at 3:07 pm.

20 47. Ali also subjectively believed and alleges that she was
21 complaining about race discrimination at the workplace.

22 48. Upon information and belief, the Defendant's read her email
23 sent at 3:07 pm.

24 49. 60 minutes later on 4/15/2016, at approximately 4 pm Ali
25 would be terminated.

1 50. On this day on 4/15/2016 around 4pm Quinn angrily
2 approached Ali. His face was red and he was furious. Morin was
3 also present in this meeting with Ali. They immediately told
4 her that, "you are fired and that you are to leave
5 immediately!"

6 51. Ali asked if she could sit. Morin said, "No!"

7 52. Ali then asked why she was being fired.

8 53. Quinn said, "you are causing a lot of problems within the
9 company. You are bringing your mother's problems [of Arabic
10 immigration to the United States] to the company. We don't
11 want you here anymore!"

12 54. The only knowledge that the Defendant had of Plaintiff's
13 mother was that the mother (an Arab) was immigrating from a
14 majority Arab nation to the United States - a non-Arab nation.

15 55. The statement by Quinn is an admission under FRE
16 810(d)(2)(D) of racial bias and animosity towards Arabs.

17 56. Ali also subjectively believed that Quinn was aghast at her
18 mother immigrating to the United States, and that he was
19 hostile towards her mother, because she was an Arab.

20 57. Ali then told them, she was being fired because of her
21 prior complaints under Title VII.

22 58. Title VII is a federal statute that protects employees from
23 discrimination at the work place based on their protected
24 classes of race, sex, and national origin.

1 59. Quinn said, "that is not true."

2 60. Morin then opened the door and asked her to leave. As Ali
3 went to her desk, both of them closely monitored her, standing
4 over her in a threatening manner. When she tried to retrieve
5 her personal files from her computer, Morin yelled at her,
6 saying, "you can't take your files! This is our work" and
7 forcefully shut down the computer.

8 61. Morin and Quinn treated Ali like she was a criminal and a
9 terrorist. Her colleagues who witnessed this behavior was
10 shocked at the child like tantrum thrown by Morin and Quinn.

11 62. When Ali tried to say good bye to her work colleagues, both
12 Morin and Quinn prevented her from doing. They then walked her
13 towards the door, gave her a bad and angry look and slammed
14 the door behind her.

15 63. As Ali was walking towards her car, Quinn walked to her to
16 collect the office keys and said, "you are a very talented
17 person but you created a lot of problems to this company and
18 things are not working out with you." Ali was crying. She gave
19 Quinn the office keys and left.

20 64. Once again, prior non-Arab employees upon termination were
21 not treated like Ali. Other employees outside her protected
22 class were allowed to take their time to collect their files
23 and other personal belongings upon termination.

65. One of her co-workers called her later, and informed her that both Morin and Quinn even changed the door locks after her termination.

66. Upon information and belief, the Defendant then replaced her with an individual outside of Plaintiff's protected class. A non-Arab male.

67. Defendant's have an insurance policy that will indemnify them for this lawsuit.

Part V. Causes of Action
COUNT I. RETALIATION UNDER § 1981

68. Plaintiff alleges and incorporates all the above paragraphs.

69. Plaintiff engaged in protected activities and opposition to practices made unlawful under Section 1981 while employed by the Defendant.

70. Ali also subjectively believed that she was complaining about race discrimination in her complaints to her employer.

71. As a result of her protected activities and opposition to practices made unlawful under Section 1981, Plaintiff was subjected to adverse employment actions, including but not limited to her termination on April 15, 2016.

72. A causal connection exists between Plaintiff's protected activities and the adverse employment actions taken by

Defendant. See *Ali v. B.C. Architects*, Appeal No. 19-1582 (4th Cir. October 16, 2020).

73. As a direct and proximate result of this injury from the Defendant, Plaintiff has suffered and is suffering considerable injury, including but not limited to loss of substantial past and future salary and income, benefits and other privileges and entitlements of employment, loss of professional status and career enhancing and advancement opportunities and loss of retirement savings and benefits. The Plaintiff has also suffered from emotional distress arising from the loss of her job, the damage to her professional reputation and the embarrassment, humiliation, and indignity arising from the discriminatory conduct of Defendant and/or agents or employees acting on its behalf, and the stress and anxiety caused by her wrongful termination and resultant financial hardship.

74. As a consequence of Defendant's action, it is additionally liable for attorney's fees and other costs and interest in pursuit of this litigation.

Part VI. Relief Sought

WHEREFORE, the Plaintiff respectfully requests this Court award economic damages to be proved at trial, and in addition:

1 A. Enter judgment for the Plaintiff against the Defendant BC
2 Architects Engineers PLC, on all Counts, in an amount no less
than three million dollars (\$3,000,000.00)

3 B. Declare that the conduct of the Defendant is in violation
4 of Section 1981,

5 C. Award Plaintiff Ali reinstatement, punitive damages,
6 full back pay and front pay, including salary, benefits,
7 entitlements, loss of professional status and career-
enhancing opportunities, bonuses', cash awards, loss of
8 retirement savings and benefits and other remuneration and
9 privileges of employment retroactive to the date of any
10 unlawful employment action found to have occurred in this
case.

11 D. Award Plaintiff Ali compensatory damages for emotional
12 distress injuries and loss;

13 E. Award Plaintiff pecuniary and out of pocket expenses;

14 F. Order Defendant to pay all reasonable attorney's fees,
15 court costs, and expenses
incurred by Plaintiff as a result of Defendants' actions
16 and inactions, as well as pre
judgment and post-judgment interest; and

17 G. Order such other equitable and legal relief as the Court
18 deems just and appropriate.

Part VII. Jury Trial Demanded

Plaintiff demands a jury trial for this action.

Respectfully Submitted,

/s/ Monique A. Miles, Esq.
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January 7, 2021

Certificate of Service.

A copy of the foregoing 2nd Amended Complaint was filed via ECF on 1/7/2021 with copies sent to counsel for the Defendant.

/s/ Monique Miles